

# **Exhibit 5**

Letters

# United Mine Workers of America

LEGAL DEPARTMENT



TELEPHONE  
(703) 291-2429  
FAX (703) 291-2448  
EMAIL: LEGAL@UMWA.ORG

UNITED MINE WORKERS' HEADQUARTERS  
18354 QUANTICO GATEWAY DRIVE, SUITE 200

**Triangle, VA**



22172-1779

June 27, 2019

Patrick Graham  
Senior Vice President  
Safety, Health and Human Resources  
Bluestone Energy Group  
302 S. Jefferson Street  
Roanoke, Virginia 24011

**RE: Healthcare for Justice Energy, Inc., Keystone Service Industry, Inc., Bluestone Coal Corporation, Double-Bonus Coal Co., and Bluestone Industries, Inc. Retirees.**

Dear Mr. Graham:

The recent agreement negotiated by the UMWA and Ranger Fuel Corporation illustrates what can be achieved when the Union and the Bluestone Companies work together to achieve a shared goal. The UMWA anticipates that this agreement regarding the reserves of the former Pinnacle Mine will continue to benefit both your company and our members for years to come. In that same spirit of cooperation with which we approached those negotiations, the UMWA would like to raise another issue that we must work together to resolve.

As you are aware, on December 30, 2016, Justice Energy, Inc., Keystone Service Industry, Inc., Bluestone Coal Corporation, Double-Bonus Coal Co., and Bluestone Industries, Inc. ("the Companies") signed collective bargaining agreements (each labeled as a "Memorandum of Understanding" or "MOU") with the UMWA. Those MOUs include agreements by the Companies to be bound by the terms and conditions established by the 2016 National Bituminous Coal Wage Agreement ("2016 NBCWA"), except as expressly indicated in the MOU. Included in each of the MOUs is a provision regarding retiree healthcare. Specifically, Paragraph 6 of each of the MOUs provides, in relevant part, that each of the Companies:

[S]hall provide, be bound by and subject to the Retirement provisions of Article XX of the 2016 NBCWA. The EIN 80/20 Healthcare Plan does not apply to any current or future retirees of the Employer. All retirees shall be provided as established in the National Bituminous Coal Wage Agreement

In late 2017, retirees of the Companies, their spouses, and their surviving spouses began to contact the UMWA regarding unpaid medical and prescriptions drug bills. Eligible recipients were not receiving the benefits required by Article XX of the 2016 NBCWA and Paragraph 6 of their respective MOUs. The UMWA legal department contacted you and Connie Vance about these complaints. The UMWA legal department explained that eligible retirees were being forced to pay out-of-pocket for medical and prescription drug costs, that they had substantial outstanding bills, and that they were foregoing medical treatment or were refraining from filling prescriptions because of an inability to pay. You and Ms. Vance informed the UMWA that the Companies were in the process of switching their insurance carriers. In the meantime, some of the retiree medical bills were paid for with a credit card. In March or April, 2018, new insurance cards were issued to the Companies' retirees. We were pleased when some of our members informed us that these new cards were accepted by providers and working efficiently.

However, some members have continued to report issues with their healthcare and prescription drug coverage. They have reported that bills that were submitted before the new insurance coverage was put in place have still not been paid. Other members have reported that the new insurance cards do not cover current medical and prescription drug cost. Members report that they have foregone medical treatment or refrained from filling prescriptions because they cannot receive coverage. Others have reported negative impacts on their credit and inability to secure loans because of unpaid medical and prescription drug bills. Some members have learned from the insurance provider that their claims were covered, but that insufficient funds were available in the Companies' self-funded account to pay the bills.

Under the terms of Article XX of the 2016 NBCWA and Paragraph 6 of the MOUs, these retirees are entitled to medical and prescription drug coverage. It is in our shared interest to ensure that the Companies' retirees have a secure and healthy retirement. Accordingly, the UMWA is reaching out to give you an opportunity to comply with your contractual obligations. We ask that, no later than July 31, 2019, the Companies take the necessary steps to ensure that all outstanding, covered medical and prescription drug bills incurred by their retirees are paid in full. We further ask that you contact financial institutions and medical providers in the region to explain the situation and ask them to hold our members harmless for the overdue bills.

If you have any questions or concerns regarding the content of this letter, or would like to meet with a representative of the UMWA Legal Department to discuss these issues, please feel free to contact me at the number or e-mail listed below.

Sincerely,

T.J. Baker  
Staff Attorney  
703-291-2418  
tjbaker@umwa.org

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## 1. Article Addressed to:

Patrick Graham, Senior Vice Pres.  
Safety Health & Human Resources  
Bluestone Energy Group  
302 S. Jefferson Street  
Roanoke, VA 24011

9590 9402 4902 9032 0021 79



## 2. Article Number (Transfer from service label)

7015 0640 0006 7367 6109

PS Form 3811, July 2015 PSN 7530-102-000-9053

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T J Baker  
Legal Department  
United Mine Workers of America  
18354 Quantico Gateway Drive Ste 200  
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# United Mine Workers of America

LEGAL DEPARTMENT



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Triangle, VA



22172-1779

June 27, 2019

Patrick Graham  
Vice President Human Resources – Health & Safety  
Dynamic Energy – Justice Highwall Mining  
Post Office Box 1085  
Beckley, West Virginia 25802

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tjbaker@umwa.org



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<p>Patrick Graham, Vice Pres. Human Resources - Health &amp; Safety Dynamac Energy - Justice Highway Miners Post Office Box 1085 Beckley WV 25802</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
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PS Form 3811, July 2015 PSN 7530-02-000-9053

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